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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

COTTONWOOD
ENVIRONMENTAL LAW
CENTER,

Plaintiff,

v.

BIG SKY WATER AND SEWER
DISTRICT; BOYNE RESORTS,

Defendants

2:20-cv-00028-BMM

**MOTION TO SET ASIDE
JUDGMENT FOR FRAUD ON
THE COURT**

Plaintiff Cottonwood Environmental Law Center (“Cottonwood”) respectfully moves the Court to set aside judgement in favor of Defendant Big Sky Water & Sewer District (“Sewer District”) for fraud on the Court. The Court should grant this motion because Jon Rauchway, attorney for Defendant Sewer District, and Ron Edwards, manager of the Sewer District, intentionally and materially misrepresented evidence that was directly aimed at the jury. Mr. Rauchway and Mr. Edwards intentionally provided falsified data that was never recorded as part of a scheme to improperly influence the jury. The Court unknowingly directed the jury to consider the falsified evidence when deciding whether the Big Sky Water & Sewer District violated the Clean Water Act.

Mr. Rauchway walked Mr. Edwards and the jury through detailed calculations using data that did not exist to disprove Cottonwood’s calculations regarding leakage from the holding ponds. Cottonwood learned through a deposition of Mr. Edwards during subsequent litigation that the data he and Mr. Rauchway presented to the federal jury and the Montana DEQ was never recorded. Neither the jury nor the Montana DEQ were ever informed the data was not recorded.

The Court should grant Cottonwood’s motion to set aside the judgment and order a new trial.

Defendants were contacted regarding this motion and indicated they are opposed.

Respectfully submitted this 17th Day of March, 2025.

/s/ John Meyer
JOHN MEYER

Attorney for Plaintiff